

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

CIVIL ACTION No. 5:12-CV-17-RLV-DCK

**Kelli R. Cerven, Keith O. Cerven,
Teresa M. Cerven, CFW Vending LLC,
and SHGI Corporation**

Plaintiffs,

v.

**Blue Cross and Blue Shield of North
Carolina and Blue Cross and Blue Shield
Association,**

Defendants.

**MOTION TO DISMISS OF
DEFENDANT BLUE CROSS AND
BLUE SHIELD OF NORTH
CAROLINA**

**MOTION TO DISMISS OF DEFENDANT
BLUE CROSS AND BLUE SHIELD OF NORTH CAROLINA**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), Defendant Blue Cross and Blue Shield of North Carolina, by and through its counsel, moves to dismiss Plaintiffs' Complaint with prejudice for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted. The grounds for this motion are set forth more fully in the accompanying Brief.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

s/ Daniel R. Taylor, Jr.

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Dated: April 30, 2012

Counsel for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2012, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

s/ Daniel R. Taylor, Jr.